93-45

Supreme Court, U.S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1993

NATIONAL INTERFAITH CABLE COALITION, INC.,
operating as the
VISION INTERFAITH SATELLITE NETWORK, *et al.*,
Appellants,

v.

FEDERAL COMMUNICATIONS COMMISSION, *et al.*,
Appellees.

On Appeal from the United States District Court for the District of Columbia

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MOTION TO AFFIRM

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47 U.S.C. § 535 1

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MOTION TO AFFIRM

Appellee National Association of Broadcasters ("NAB") representing commercial broadcast stations nationwide, respectfully moves to affirm the judgment of a three-judge district court rejecting a First Amendment Establishment and Free Exercise challenge to Section 4 of the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. §§ 531 *et seq.* (the "Act"), which requires cable operators to carry the signals of a limited number of local commercial television stations.[1]

STATEMENT OF THE CASE

NAB adopts and incorporates herein the statement of the case articulated by the Federal Communications Com-

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[1] Section 4 is codified at 47 U.S.C. § 534. The other "must carry" provision—Section 5, 47 U.S.C. § 535—requires cable operators to carry the signals of certain *noncommercial* educational television stations. NAB does not address that provision.

NAB was granted leave to intervene as a defendant below. *See* Appendix to the Jurisdictional Statement in No. 93-44 at 3a.

mission and the United States of America in their joint motion in this case.

ARGUMENT

For the reasons stated by the Federal Communications Commission and the United States of America in their motion, plenary review is unwarranted because the district court correctly applied settled principles in upholding Section 4.

CONCLUSION

The judgment of the three-judge district court should be summarily affirmed.

Respectfully submitted,

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